

Message Text

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ACTION ARA-20

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-11 L-03

NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20

USIA-15 AID-20 EB-11 OMB-01 COME-00 TRSE-00 SNM-02

SCCT-02 AGR-20 DRC-01 /153 W
----- 026694

R 042119Z SEP 74

FM AMEMBASSY QUITO

TO /SECSTATE WASHDC 2346

INFO AMCONSUL GUAYAQUIL

C O N F I D E N T I A L QUITO 5848

E.O. 11652: GDS

TAGS: PGOV, EC

SUBJ: SPECIAL TRIBUNALS DISCONTINUED

1. AFTER SEVERAL WEEKS OF PERSISTENT RUMORS THAT ECUADOR'S "SPECIAL TRIBUNALS" WOULD BE ABOLISHED -- AND EQUALLY PERSISTENT DENIALS BY GOE SPOKESMEN -- MINGOV POVEDA CONFIRMED THEIR SUPPRESSION AUGUST 30 IN HIS WEEKLY PRESS CONFERENCE.

2. THE TRIBUNALS, ONE OF THE MILITARY GOVERNMENT'S EARLIEST AND MOST CONTROVERSIAL INNOVATIONS, WERE ESTABLISHED PRIMARILY TO DEAL WITH CASES OF OFFICIAL CORRUPTION AND POLITICAL CRIMES IN PAST ADMINISTRATIONS. THEY WERE STAFFED LARGELY BY SENIOR ACTIVE-DUTY MILITARY AND THEY WERE QUITE OBVIOUSLY INTENDED TO BE FOR THE SUMMARY DISPOSITION OF WHAT WERE FELT TO BE THE MOST EGREGIOUS CASES OF OFFICIAL MISCONDUCT. AMONG THE PRINCIPAL CAUSES CELEBRES TURNED OVER TO THE QUITO-AND GUAYAQUIL-BASED TRIBUNALS WERE THE ORIGINAL TRIAL OF EX-MINISTER OF NATURAL RESOURCES ALFONSO ARROYO; THE ADA OIL CONCESSION INQUIRY; THE PROSECUTION OF ACCUSED CONTRABANDIST AND NARCOTICS TRAFFICKER MICHEL ACHI; VARIOUS CASES OF POLITICAL TERRORISM, MOST NOTABLY THAT
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OF JAIME GALARZA, LEFT OVER FROM THE VELASCO REGIME;

AND A RECENT INVESTIGATION INTO ALLEGED IRREGULARITIES
IN THE GUAYAQUIL AREA INVOLVING LAND REFORM OFFICIALS.

3. THE HIGH-HANDED AND GENERALLY EXTRA-LEGAL PROCEDURES
OF THE TRIBUNALS -- WHICH INCLUDED REPLACEMENT OF DUE-
PROCESS MINDED CIVILIAN JURISTS WITH OTHER, MORE PLIANT,
OFFICIALS -- FREQUENTLY CALLED FORTH A DEGREE OF PUBLIC
CRITICISM UNUSUAL DURING THE PRESENT GOE. THE DECREE
EFFECTING THEIR SUPPRESSION STATES THAT THE TRIBUNLAS,
"DURING THE SHORT PERIOD OF THEIR EXISTENCE, HAVE LAID
THE GROUNDWORK FOR DEFINITIVE CLEANUP OF THE PUBLIC
ADMINISTRATION". NEVERTHELESS, IN SPITE OF THEIR
ROUGHSHOD METHODS, THE COURTS ACCOMPLISHED LITTLE AND
HAD FALLEN INTO COMPARATIVE DISUSE OVER PAST MONTHS.
CASES CURRENTLY PENDING BEFORE THE SPECIAL TRIBUNALS
WILL BE TURNED OVER TO THE ORDINARY COURTS.

4. THE ANNOUNCEMENT, WHICH DID AWAY WITH AN UNSUCCESSFUL
AND DISTRUSTED VESTIGE OF THE MILITARY GOVERNMENT'S
INITIAL MORE HEAVY-HANDED STYLE, FOLLOWS CLOSELY ON THE
NEW POLICY OF GREATER OPENNESS THROUGH MONTHLY
PRESIDENTIAL AND WEEKLY MINISTERIAL PRESS CONFERENCES.
IT HAS IN TURN BEEN CLOSELY FOLLOWED BY THE ANNOUNCE-
MENT OF AN APPARENTLY FAR-REACHING JUDICIAL REFORM
WHICH, AMONG OTHER FEATURES, ESTABLISHES A CAREER
JUDICIARY AND A JUDICIAL POLICE. (WE WILL BE COMMENTING
FURTHER AFTER FULLER STUDY OF THIS NEW LEGISLATION.)
COUPLED WITH PRESIDENT RODIRGUEZ'S OWN CAUTIOUS ALLUSION
TO AN EVENTUAL RETURN TO A PARTY SYSTEM (QUITO 5812),
THIS RAISES THE INTRIGUING PROSPECT OF A POSSIBLE GOE
MOVE TOWARD LEGITIMIZATION.
BREWSTER

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